

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1701.01  
**COMPLAINT INVESTIGATOR:** Steve Starbuck  
**DATE OF COMPLAINT:** March 2, 2001  
**DATE OF REPORT:** March 30, 2001  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** May 2, 2001

**COMPLAINT ISSUES:**

Whether the Lafayette School Corporation and the Greater Lafayette Area Special Services violated:

511 IAC 7-25-4(b) with regard to the school's alleged failure to conduct an evaluation and convene a case conference committee (CCC) meeting within 60 instructional days of the date the parent provided written consent.

**FINDINGS OF FACT:**

1. The student is thirteen years old, is in the sixth grade, and has been determined ineligible for special education. She is presently receiving homebound instruction based on a request made by the student's physician.
2. On December 7, 2000, the parent provided written consent to the school for the student to be evaluated for a learning disability in the area of spelling and for the disability category of other health impairment due to asthma. In the parent's letter giving permission for the evaluations to be conducted, she mentioned that the student had been experiencing severe headaches. The parent did not request that the student be evaluated for this condition to determine eligibility for special education. Based on the date the parent provided written consent, the school had until March 16, 2001, to complete an evaluation and to convene a CCC meeting to discuss the results of the evaluation.
3. Upon receipt of the parent's consent for an evaluation, the school requested doctors' statements, as required when determining a student's eligibility as other health impaired. The doctors' statements are dated December 28, 2000, January 12 and 15, 2001, and were received by the school subsequent to that date. On January 24, 2001, the school attempted to schedule a CCC meeting for February 8, 2001. The parent requested a different date, and the next mutually agreed upon date was February 26, 2001.
4. A CCC meeting was convened on February 26, 2001, to determine the student's eligibility for special education. It was the assistant director's opinion that it was not necessary to re-evaluate the student, since she had been evaluated for special education on six separate occasions from March 24, 2000, through November 28, 2000. Four of these evaluations involved testing the student for various types of learning disabilities, and the parents did not object at a previous CCC meeting when the student was determined ineligible for special education under the learning disabilities category. In addition, the parents had disputed the school's determination concerning the student's eligibility for special education in the past, and the school's determination was sustained.

by a hearing decision dated October 9, 2000, and by a Board of Special Education Appeals' decision dated December 4, 2000. The hearing and the appeal decisions concerned the student's eligibility for special education under the category of visual impairment and other health impairment due to headaches.

5. The Case Conference Summary Notes dated February 26, 2001, reflect the following: "The conclusion was that [student's name] is not learning disabled. Because of new information provided by [student's physician], requests homebound instruction for headaches, it was decided the case conference committee needed to obtain more information prior to making a decision about an other health impairment." During this meeting, the CCC reviewed three separate medical reports completed by two of the student's physicians. The focus of the three medical reports related to the student's persistent headaches. The director states the persistent headaches are the primary reason the student has been absent from school. One of the reports also indicated the student had an enlarged pituitary gland. The parents advised the CCC that the student's physician had referred the student for a medical consultation to obtain a second opinion regarding the finding of an enlarged pituitary gland. Upon obtaining this information from the parents, the director reports the CCC decided to reconvene the CCC meeting once additional medical information had been obtained.
6. The February 26 CCC meeting reconvened on March 12, 2001, to share with the parents information the assistant director received after speaking with the student's physician. The issues discussed with the physician concerned the student's referral for a second opinion due to an enlarged pituitary gland and the need for homebound instruction. In addition, the director wanted to discuss with the CCC that he had received a more comprehensive request for homebound instruction from the student's physician after the February 26, 2001, CCC meeting had concluded. The Case Conference Summary Notes dated March 12, 2001, reflect that the CCC would reconvene after a second neurological report regarding the student's condition was obtained. The director anticipates having the results of the medical consultation in April 2001, as the student's appointment for a neurological assessment is scheduled for April 6, 2001. The CCC also determined the student was eligible for homebound instruction, but that the continuation of homebound services would need to be reviewed at the next CCC meeting.

#### **CONCLUSION:**

Findings of Fact #2 through #6 reflect that the school obtained additional information and attempted to convene the CCC in early February. The CCC convened in February and, as part of the evaluation process, reviewed existing data, obtained additional information, reconvened the CCC, and determined that further neurological information was warranted. The neurological assessment will not occur until the 60 instructional days have elapsed. However, because the school took necessary action in obtaining additional information, convening the CCC, reviewing existing data, and following up with recommendations made by the student's physician, no violation of 511 IAC 7-25-4(b) is found.

**The Department of Education, Division of Special Education, requires no corrective action based on the Findings of Fact and Conclusions listed above.**